



PATENT  
ATTORNEY DOCKET NO. UCSD1140-1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Robert K. Naviaux Art Unit: 1614  
Application No.: 09/889,251 Examiner: P. Spivack  
Filed: November 1, 2001 Conf. No.: 9760  
Title: METHOD OF TREATMENT OF MITOCHONDRIAL DISORDERS

Mail Stop: AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313

TERMINAL DISCLAIMER

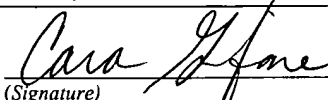
Sir:

The undersigned attorney of record for Petitioner, THE REGENTS OF UNIVERSITY OF CALIFORNIA, SAN DIEGO, a corporation with its place of business at 9500 Gilman Drive, MC0910, La Jolla, California 92093-0910, represents that Petitioner is the Owner of 100 percent interest in Application No. 09/889,251, filed November 1, 2001, entitled METHOD OF TREATMENT OF MITOCHONDRIAL DISORDERS, as evidenced by the Assignment recorded in the United States Patent and Trademark Office on November 1, 2001, at Reel 012502, Frame 0632.

08/15/2005 SHASSEN1 00000006 09889251

02 FC:1814

130.00 DP

CERTIFICATION UNDER 37 CFR §1.8	
I hereby certify that the documents referred to as enclosed herein are being deposited with the United States Postal Service as first class mail on <u>August 10, 2005</u> , in an envelope addressed to: Mail Stop: AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.	
Cara Grifone <i>(Name of Person Mailing Paper)</i>	
 <i>(Signature)</i>	August 10, 2005 <i>(Date)</i>

The undersigned, attorney of record further represents that, THE REGENTS OF UNIVERSITY OF CALIFORNIA, SAN DIEGO, a corporation with its place of business at 9500 Gilman Drive, Application No. 10/868,717, entitled METHOD OF TREATMENT OF MITOCHONDRIAL DISORDERS, as evidenced by the Assignment recorded in the United States Patent and Trademark Office on November 1, 2001 at Reel 012502, Frame 0632.

The evidentiary document referred to herein have been reviewed by the undersigned and it is certified that to the best of the undersigned's knowledge and belief, title is in the Owners as set forth above.

Pursuant to 37 C.F.R. § 1.321(c), the undersigned, on behalf of Petitioner, THE REGENTS OF UNIVERSITY OF CALIFORNIA, SAN DIEGO, disclaims the terminal part of any patent granted on the above-identified Application No. 09/889,251 that would extend beyond the expiration date of U.S. Application No. 10/868,717 filed on June 14, 2004. Petitioner hereby agrees that any patent so granted on the above-identified application No. 09/889, 251 shall be enforceable only for and during such period that said patent and patent granted on U.S. Application No. 10/868,717, is commonly owned, this Agreement to run with any patent granted on the above-identified application and to be binding upon the grantees, its successor or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

In re Application of  
Robert F. Naviaux  
U.S. Serial No.: 09/889,251  
Filed: November 1, 2001  
Page 3


PATENT  
Attorney Docket No.: UCSD1140-1

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and believe are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Enclosed is Check No. 578773 in the amount of \$310.00 for the Terminal Disclaimer fee. The Commissioner is hereby authorized to charge for any other fees that may be associated with this communication, or credit any overpayment to Deposit Account No. 07-1896.

Respectfully submitted,

Date: August 10, 2005

 req. 45,039  
for Lisa A. Haile, J.D., Ph.D.  
Registration No.: 38,347  
Telephone: (858) 677-1456  
Facsimile: (858) 677-1465

DLA PIPER RUDNICK GRAY CARY US LLP  
4365 Executive Drive, Suite 1100  
San Diego, California 92121-2133  
USPTO CUSTOMER No. 28213